APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,860	10/26/2000	Chikong Shue	SYCMR-031XX	2819

207   7590   06/18/2003

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA   02109

EXAMINER
PHAN, THAI Q

ART UNIT	PAPER NUMBER
2123	4

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/696,860	Chikong Shue et al.
	Examiner	Art Unit
	Thai Phan	2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 26, 2000* .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on ___*Oct 26, 2000*___ is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to patent application S/N: 09/696,860. Claims 1-21 are

pending in this Office Action.

Drawings

1.   Acknowledgment has been made for the submission of formal drawings. The drawings

are formally accepted.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden et al.,

US patent no. 6,101,543.

As per claim 1, Alden discloses pseudo network adaptor to provide network

communication interface with feature limitations substantially similar to the claimed invention

(Abstract and Summary of the Invention). According to Alden, the network interface system

includes

a plurality of network node executive components, each one of the network nodes

corresponding to one of the emulated networking devices for physical network devices or

components (Figs. 15-19, col. 3, lines 9-25, col. 9, lines 25-41),

wherein the network node executable code (col. 3, lines 9-25, col. 7, lines 1-18), that is

operable to execute without modification on the physical networking devices corresponding to

one of the plurality of emulated networking devices (Figs. 16, 19, col. 8, lines 1-14, col. 9,

lines 25-41, for example), and including a program component operable to perform signaling and

routing (col. 12, line 55 to col. 13, line 61, col. 14, line 11 to col. 17, line 45). Alden does not

expressly disclose images of executable network node as claimed.

Practitioner in the art at the time of the invention was made would have found Alden

network emulators with code components for processing data, encrypting data, transporting, etc.

in a data communication network (Figs. 15-19, col. 3, lines 9-15, col. 7, lines 1-18, col. 15,

lines 47-54, col. 17, line 46 to col. 18, line 13, for example) could obviously imply the limitation

of image of executable code because the program components for emulating protocol suites of

physical networking device for network adaptor interfacing in Alden represent for image of

processing communication protocol suite in order to process and transport data over the

communication network.

As per claim 2, Alden discloses emulator with executable codes that is operable to

execute without modification on the one of the plurality of network devices operating

in networking device cards that make up emulated networking devices as claimed (col. 3, lines

10-25, col. 6, lines 23-30, col. 9, lines 25-41, for example).

As per claim 3, Alden discloses program components in executable codes for processing

data messages, transporting data, transmitting message frames, encryption of data, etc in data

communication network with features as claimed (col. 3, lines 10-25, col. 6, lines 23-30, col. 9,

col. 11, lines 15-30, col. 11, line 59 to col. 12, line 11, for example).

As per claim 4, Alden discloses program components for emulating communication

trunks from one node to other node as claimed.

As per claim 5, Alden disclosure would include program components for emulating

pseudo network interface adaptor for virtual private network including emulated virtual circuit

maintained for at least one virtual circuit between a corresponding one of the plurality of

emulated networking devices and others (Figs. 17-18, col. 7, lines 1-18, col. 15, lines 47-54,

col. 17, line 46 to col. 18, line 13).

As per claim 6, Alden discloses emulation engine including one processor and memory

for emulating by executing emulation components of the physical network devices as claimed

(Fig. 15).

As per claim 7, Alden discloses a plurality of network nodes and each of network node

including feature limitations for emulation of physical network device and drivers as claimed

(Figs. 15, 16 and 19).

As per claim 8, Alden discloses local area network for network interconnection (Figs. 16

and 19).

As per claim 9, Alden discloses Ethernet network as claimed (Fig. 16).

As per claim 10, Alden discloses physical networking device and network device emulator as claimed (Figs. 16-18).

As per claim 11, Alden discloses protocol drivers and emulation of protocol driver for physical networking device emulation (Figs. 16-23).

As per claim 12, claim 12 is directed to method of operation for the networking device emulator as in claim 1 above, and Alden discloses pseudo network adaptor to provide network communication interface with feature limitations substantially similar to the claimed invention (Abstract and Summary of the Invention). According to Alden, the network interface system includes functional method and operating means:

a plurality of network node executive components, each one of the network nodes corresponding to one of the emulated networking devices for physical network devices or components (Figs. 15-19, col. 3, lines 9-25, col. 9, lines 25-41),

wherein the network node executable code (col. 3, lines 9-25, col. 7, lines 1-18), that is operable to execute without modification on the physical networking devices corresponding to one of the plurality of emulated networking devices (Figs. 16, 19, col. 8, lines 1-14, col. 9, lines 25-41, for example), and including a program component operable to perform signaling and routing (col. 12, line 55 to col. 13, line 61, col. 14, line 11 to col. 17, line 45). Alden does not expressly disclose images of executable network node as claimed.

Practitioner in the art at the time of the invention was made would have found Alden network emulators with code components for processing data, encrypting data, transporting, etc. in a data communication network (Figs. 15-19, col. 3, lines 9-15, col. 7, lines 1-18, col. 15,

lines 47-54, col. 17, line 46 to col. 18, line 13, for example) could obviously imply the limitation

of image of executable code because the program components for emulating protocol suite of

network devices for adaptor interfacing in Alden represent for image of processing protocol suite

in order to process and transport data over the communication network.

As per claim 13, Alden discloses emulator with executable codes that is operable to

execute without modification on the one of the plurality of network devices operating in

networking device cards that make up emulated networking devices as claimed (Figs. 17-23,

col. 3, lines 10-25, col. 6, lines 23-30, col. 9, lines 25-41, for example).

As per claim 14, Alden discloses program components in executable codes for processing

data messages, transporting data, transmitting message frames, encryption of data, network

topology such as Ethernet, Telnet, or Internet, etc in data communication network with features

as claimed (col. 3, lines 10-25, col. 6, lines 23-30, col. 7, lines 1-31, col. 9, col. 11, lines 15-30,

col. 11, line 59 to col. 12, line 11, for example).

As per claim 15, Alden discloses program components for emulating communication

trunks from one node to other node as claimed.

As per claim 16, Alden disclosure would include program components for emulating

pseudo network interface adaptor for virtual private network including emulated virtual circuit

maintained for at least one virtual circuit between a corresponding one of the plurality of

emulated networking devices and others (Figs. 17-18, col. 7, lines 1-18, col. 15, lines 47-54,

col. 17, line 46 to col. 18, line 13).

As per claim 17, Alden discloses emulation engine including one processor and memory

for emulating by executing emulation components of the physical network devices as claimed

(Fig. 15).

As per claim 18, Alden discloses a plurality of network nodes and each of network node

including feature limitations for emulation of physical network device and drivers as claimed

(Figs. 15, 16 and 19).

As per claim 19, Alden discloses local area network for network interconnection (Figs. 16

and 19).

As per claim 20, Alden discloses Ethernet network as claimed (Fig. 16).

As per claim 21, Alden discloses physical networking device and associated network

device emulator as claimed (Figs. 16-18).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

1.   US patent no. 6,195,345 B1, issued to Kramer, Philip, on Feb. 2001

2.   US patent no. 6,412,009 B1, issued to Erickson et al., on June 2002

3.   US patent no. 6,493,316 B1, issued to Chapman et al., on Dec. 2002

4.   US patent no. 6,519,642 B1, issued to Olsen et al., on Feb. 2003

5.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-7240 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington. VA., Sixth Floor (Receptionist).

June 16, 2003

Thai Phan
Patent Examiner
Thai Phan
AU 2123